United Nations A/58/777

General Assembly

Distr.: General
23 April 2004

Original: English

Fifty-eighth session
Agenda items 127 and 134

Human resources management

Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Special measures for protection from sexual exploitation and sexual abuse

Report of the Secretary-General*

Summary

The present report is submitted in compliance with General Assembly resolution 57/306 of 15 April 2003, in which the Assembly requested the Secretary-General to maintain data on investigations into sexual exploitation and related offences. The report sets out data collected on the occurrence of cases of sexual exploitation and abuse within the United Nations system and on the efforts under way to prevent such acts. The report also describes the progress made in the development of guidelines and tools to establish a reporting process that is sensitive to the needs of victims and towards the promotion of a culture in which sexual exploitation and abuse are not tolerated.

* The delay in the submission of the present report was due to the need to obtain a number of responses from the wide range of United Nations entities providing data on cases of sexual exploitation and abuse.

04-32257 (E) 060504
0432257

I. Reports of sexual exploitation and abuse in 2003

1. The General Assembly in its resolution 57/306 of 15 April 2003, requested the Secretary-General to, inter alia, maintain data on investigations into sexual exploitation and related offences by humanitarian and peacekeeping personnel, and all relevant actions taken thereon. Pursuant to that resolution, the Secretary-General issued his bulletin ST/SGB/2003/13 of 9 October 2003 on special measures for protection from sexual exploitation and sexual abuse. As defined in the bulletin, "sexual exploitation" means any actual or attempted abuse of a position of vulnerability, differential power, or trust, for sexual purposes, including, but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. The term "sexual abuse" means actual or threatened physical intrusion of a sexual nature, whether by force or under unequal or coercive conditions.

2. In response to the request in resolution 57/306, and in accordance with the Secretary-General's bulletin, the present report provides information on investigations into cases of sexual exploitation and abuse in 2003 and the measures taken to deal with such cases within the United Nations system.

3. In response to the Secretariat's query regarding investigations into cases of sexual exploitation or sexual abuse, 48 United Nations entities responded. Forty-two entities stated that they had received no reports of sexual exploitation or abuse in 2003. Six entities (the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) reported that investigations into newly reported cases were opened last year. The Department of Peacekeeping Operations reported 24 new cases. In two of the five cases where the alleged perpetrators were civilian personnel, serious misconduct was found to have occurred and appropriate disciplinary action was taken. As for the 19 cases in which military personnel were allegedly involved, investigations revealed serious misconduct in eight cases and appropriate action was taken. Investigations into the remaining 14 cases in the Department (both civilian and military) are currently under way. The Office for the Coordination of Humanitarian Affairs reported one case, now closed (the alleged perpetrator's contract expired and he left the country). UNHCR reported that 24 new cases emerged; 22 have been closed (12 because the alleged perpetrator was not a UNHCR staff member, 6 because the allegations could not be substantiated, and 3 because the perpetrator was dismissed) and 2 remain under investigation. UNRWA reported 2 cases; 1 is closed (the alleged victim refused to sign the required affidavit) and 1 is under investigation. UNICEF and WFP reported 1 case each and both are currently under investigation.

II. Observations

4. The Secretariat is aware that the data gathered on cases of sexual exploitation and abuse perpetrated by personnel affiliated with the United Nations may not reflect the true extent of these deplorable incidents. Complaint procedures and victim support mechanisms are not yet adequate. In many cases, victims are reportedly too frightened or ashamed to lodge a complaint. In addition, once they have reported an allegation, some victims fail to provide evidence during the

investigation phase due to confusion or, in some cases, intimidation. In addition, staff members may not yet be fully aware of the responsibilities placed on them by the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13). Considerable additional efforts are required to establish a system within which misconduct of this kind is systematically reported on and effectively followed up, while safeguarding the rights of the victims.

5. However, as detailed in the next section of the report, a number of concrete measures have recently been put in place that are expected to improve the situation during 2004. These include enhanced sensitization on the issue for managers and staff, particularly those in the field, and the development of tools and guidelines for the appropriate handling of complaints of sexual exploitation and abuse.

III. Progress in implementing special measures for protection from sexual exploitation and sexual abuse

6. Further to the information provided in the previous note on this subject (A/58/559), significant progress has been made towards full implementation of the bulletin following its promulgation in October 2003.

7. Several United Nations entities have adapted their codes of conduct to incorporate the specific principles outlined in the bulletin on the prevention of, response to and reporting of cases of sexual exploitation and sexual abuse. Moreover, a number of non-governmental organizations that work in partnership with United Nations agencies have taken similar steps. Several donor Governments have placed funding restrictions on agencies that do not subscribe to the core principles.

8. At the request of the Secretary-General, in November 2003 the Executive Committee on Humanitarian Affairs established a working group to design a system for implementation of the bulletin by all parts of the United Nations system in the field, whether in peacekeeping operations or in development contexts. The working group collaborated closely with the Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises.

9. The following measures, aimed at ensuring consistent and coherent implementation of the bulletin, were agreed upon by the working group:

(a) Any United Nations entity with a substantial presence in a particular country will appoint a senior-level sexual exploitation and abuse (SEA) focal point and alternate in their respective field operations;

(b) The SEA focal point (or alternate) will be a female staff member and will receive specialized training on the handling of complaints;

(c) All focal points will work together in a country-level network, which should include any SEA focal points designated by NGOs;

(d) All communications to staff and local populations about prevention of sexual exploitation and abuse and about channels of recourse for victims of such exploitation and abuse will be issued in the relevant languages by the in-country

networks, under the auspices of the special representatives of the Secretary-General or the resident coordinators/humanitarian coordinators.

10. While responsibility for implementation of the bulletin rests primarily with the heads of individual United Nations entities, the Secretary-General has confirmed that his special representatives, resident coordinators and humanitarian coordinators are in the best position to ensure that the bulletin is implemented coherently in the field. Therefore, they bear specific responsibilities in this regard. The importance of these responsibilities was emphasized at the humanitarian coordinators' retreat in November 2003, organized by the Office for the Coordination of Humanitarian Affairs, as well as at the March 2004 heads of mission conference, organized by the Department for Peacekeeping Operations.

11. In December 2003, the decisions on implementation outlined above were communicated together with a copy of the bulletin to all field operations by all members of the Executive Committee on Humanitarian Affairs, including the Department of Peacekeeping Operations, the Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, UNICEF, UNHCR, OHCHR, the United Nations Development Programme (UNDP), WFP and UNRWA. This communication stressed the responsibility of managers for creating and maintaining an environment free of sexual exploitation and abuse and for ensuring that all complaints are dealt with sensitively and followed up in an appropriate manner.

12. The Inter-Agency Standing Committee Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises has completed a number of guidelines designed to assist with implementation of the bulletin. These include model terms of reference for field-level focal points; model terms of reference for in-country networks on sexual exploitation and abuse; and a simple information sheet for local communities on sexual exploitation and abuse and how to report complaints. In addition, the Task Force has compiled a number of training programmes on sexual exploitation and abuse, which are available to United Nations staff and to staff of other interested organizations on the Internet.

13. Model complaints procedures and investigative protocols for cases of sexual exploitation and abuse have been finalized by the Inter-Agency Standing Committee Task Force and are being reviewed by the Office of Human Resources Management. The Task Force is also working to ensure that new national and international recruits to the United Nations system receive a copy of the bulletin in the appropriate working language as part of the induction process.

IV. Conclusions

14. The intention of the Secretary-General in promulgating the bulletin on protection from sexual exploitation and sexual abuse was to ensure that all categories of personnel serving under the United Nations flag would be fully aware of the standards of conduct expected of them, and that they would abide by them in the areas of prevention of sexual exploitation and sexual abuse. In addition, the Secretary-General calls on Member States to incorporate the core principles enshrined in the bulletin into the standards and codes of conduct for their national armed forces and police forces. He also seeks the support of Member States in ensuring that military personnel serving with United Nations peacekeeping operations are held accountable for any acts of sexual exploitation and abuse. The

Secretary-General welcomes the ongoing commitment of the Inter-Agency Standing Committee to addressing the issue of sexual exploitation and abuse, and to promoting a culture of prevention and protection throughout its membership.

15. **The General Assembly is requested to take note of the present report.**